IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 787 OF 2006

Sunil Dhumal & Anr. ...Petitioners
Vs.
The State of Maharashtra & Ors. ...Respondents

None for Petitioners
Mrs. U.V. Kejriwal, A.P.P for the Respondents

CORAM: SHRI J.N.PATEL &
SMT. ROSHAN DALVI, JJ.
DATED: 12TH SEPTEMBER, 2006

P.C.

1. None present for the Petitioners.

2. By this Petition the Petitioners seek to challenge the virus of Section 437 (1)(i) of the Criminal Procedure Code and its proviso and Section 302 of the Indian Penal Code as ultra-virus to Articles 14, 19 and 21 of the Constitution of India. The prayer clause itself is misconstrued. This is nothing but an abuse of the process of Court. We dismiss this Petition with compensatory costs of Rs.10,000/- . The Petitioners to deposit the costs in this Court within a period of 4 weeks, which should be credited to the account of High Court Legal Services Authority. On failure of the Petitioners, the same

be collected as fine by the Collector, Mumbai under the provisions of Maharashtra Land Revenue Code, 1966.

(SMT.ROSHAN DALVI, J.) **(SHRI. J.N. PATEL, J.)**